

REMARKS

The Applicant respectfully requests entry of the above amendments, and consideration of the application, as amended.

By this Amendment, the Applicant amended paragraphs 022, 023, 028, and 038 in the specification to correct the typographical errors.

The Applicant amended claims 1, 2, 6, 11, 14, and introduced new claims 28-32. No new matter was introduced.

Claims 1-32 are now pending in this application.

1. Response to Objection to Drawings

In the first paragraph on page 2 of the Office Action, the Patent Office objected to the drawings in this application by stating that "the drawings must show every feature of the invention specified in the claims." Specifically, the Patent Office identified the following three features:

- 1) the circular aperture of claim 8;
- 2) the light fixture of claim 19; and
- 3) the chandelier, lamp, or wall sconce of claim 20;

and, with reference to 37 CFR 1.83(a), requested that these features be shown in the figures or the features cancelled from the claims.

Specifically, 37 CFR 1.83(a) reads in part

(a) The drawing in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the

form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box). [Emphasis added.]

The Applicant respectfully submits that the features listed above, are clearly illustrated in the drawings "in graphical drawing symbol or labeled representation" that is clearly sufficient for a "proper understanding of the invention."

With respect to "circular apertures," apertures are illustrated throughout Figures 1-11 in this application, and are identified as being circular in one aspect of the invention in paragraph 025, line 6. The Applicant submits that "circular apertures" are conventional features that are sufficiently disclosed and "illustrated in the drawings in the form of a ...labeled representation" to comply with the requirements 37 CFR 1.83 (a). The details of a circular hole are not "essential for a proper understanding of the invention." The Applicant respectfully submits that no drawing update is required.

With respect to "light fixture," the Applicant submits that light fixtures are illustrated and described throughout the instant application. For example, fixture 30 shown in Figures 7A and 7B is described as a "light fixture" in paragraph 034, lines 12-14. Fixture 40 shown in Figure 8 is described as a "light fixture" in paragraph 035, lines 7-9. Fixture 50 shown in Figure 9 is described as a "light fixture" in paragraph 039, lines 30-32. The Applicant submits "light fixtures" are conventional features that are sufficiently disclosed and "illustrated in the drawings in the form of a ...labeled representation" to comply with the requirements 37 CFR 1.83 (a). The details of a light fixture are not "essential for a proper understanding of the invention." The Applicant respectfully submits that no drawing update is required.

Similarly, with respect to "chandelier, lamp, or wall sconce," the Applicant submits that these fixtures are illustrated and described throughout the instant application. For example, fixture 30 shown in Figures 7A and 7B is described as a "chandelier, lamp, or wall sconce" in paragraph 034, lines 12-14. Fixture 40 shown in Figure 8 is described as a "chandelier, lamp, or wall sconce" in paragraph 035,

lines 7-9. Fixture 50 shown in Figure 9 is described as a "chandelier, lamp, or wall sconce" in paragraph 039, lines 30-32. The Applicant submits that "chandelier, lamp, or wall sconces" are conventional features that are sufficiently disclosed and "illustrated in the drawings in the form of a ...labeled representation" to comply with the requirements 37 CFR 1.83 (a). The details of a light fixture are not "essential for a proper understanding of the invention." The Applicant respectfully submits that no drawing update is required.

The Applicant requests that these objections to the drawings be reconsidered and withdrawn.

2. Response to Anticipation Rejection based upon Bayer

On pages 3 and 4 of the Office Action, the Patent Office rejected claims 1-4, 8-11, 15, 18, 19, and 21-27 under 35 USC 102(b) as anticipated by U.S. Design Patent D 397, 494 of Bayer, et al. [herein "Bayer"]. However, Applicants respectfully submit that these rejections are overcome by the above amendment to dependent claims 1, 11, 15, and 21.

First, the Applicant is the same as the assignee of Bayer, that is, Schonbek Worldwide Lighting, Inc. is both the present Applicant and the assignee that appears on the cover page of Bayer. The Applicant is intimately familiar with Bayer and its distinctions from the present invention.

Moreover, the first inventor that is listed on Bayer, that is, "Georg Bayer," is the very same inventor whose name appears as the sole inventor of the present application. Mr. Bayer, a prolific light fixture designer, whose name appears as an inventor on at least 23 U.S. Design and Utility Patents (See attached Exhibit A), is well acquainted with the lighting fixture component shown in his own patent. Mr. Bayer also clearly recognizes the distinctions from and advantages of his present invention and his earlier Bayer fixture.

Second, the Applicant submits that Bayer does not anticipate the inventions recited in claims 1, 11, 15, and 21. The Applicant's undersigned Agent typically refers to the MPEP for guidance when considering whether an anticipation rejection is appropriate. For instance, MPEP § 2131 defines the conditions under which an anticipation rejection is appropriate:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim...

The Applicant submits that Bayer does not include "each and every element" of the invention recited in these claims, nor does Bayer show the invention "in as complete detail" as these claims.

With respect to independent claims 1, 11, 15, and 21, the Applicant submits that Bayer does not disclose a "mounting post having a first end mounted to the frame and a second free end." Clearly, the wire of Bayer extends across the opening in the fixture and is mounted to the fixture at both ends, that is, neither end of the wire of Bayer is "free." This feature of Bayer is clearly illustrated in Figure 4 of Bayer. For this reason, the Applicant submits that claims 1, 11, 15, and 21 are not anticipated by Bayer. The Applicant requests that these rejections be reconsidered and withdrawn.

With respect to the rejections of dependent claims 2-4, 8-10, 18, 19, and 22-27, the Applicant submits that these claims are not anticipated by Bayer for the same reasons that claims 1, 11, and 15, from which they depend, are not anticipated. In addition, aspects of the dependent claims are not disclosed or suggested by Bayer. For example, with respect to claim 2, neither end of the wire of Bayer is "integrally mounted"

to the frame. It is understood to one skilled in the art that an "integrally mounted post" be rigidly attached to the frame, for example when the frame and post "are fabricated from the same material, for example, cut, die cut, or punched from the same material, that is, from the same sheet or plate" as described in paragraph [027] of the present application. As shown in Figures 3 and 4 of Bayer, the Bayer wire is simply inserted and loosely engaged with the perforations of the Bayer frame. That is, the wire of Bayer is not integrally mounted. Of course, due to the mounting of beads on to the wire of Bayer, it appears that this loose wire mounting is inherent in the Bayer design; the wire must be removable to mount the beads. With respect to claim 9, Bayer does not disclose a plurality of mounting posts adapted to cooperate with an internal surface of an aperture to secure an ornament. The Applicants respectfully submit that these rejections be reconsidered and withdrawn.

3. Response to Obviousness Rejection based upon Bayer

On pages 4 and 5 of the Office Action, the Patent Office rejected claims 5, 7, 12-14, 16, 17, and 20 under 35 U.S.C. 103(a) as obvious in view of Bayer. However, the Applicant respectfully submits that these dependent claims are patentably distinct from Bayer for the same reasons their parent claims are patentably distinct from Bayer. The Applicant respectfully requests that these rejections be reconsidered and withdrawn

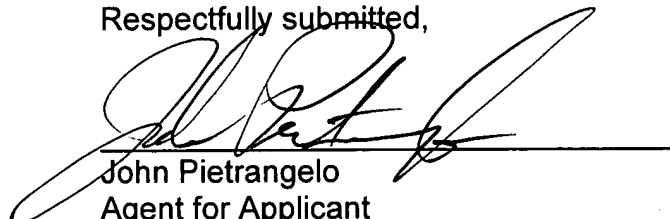
Application No.: 10/757,628
Amendment dated April 25, 2006
Reply to Office Action of January 25, 2006

4. Conclusions

The Applicant believes that the Amendment addresses the objections and rejections that appear in the subject Office Action and places the application in condition for allowance. An early and favorable action on the merits of the application is requested.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicants' undersigned Agent invites the Examiner to telephone him at the number provided.

Respectfully submitted,



John Pietrangelo
Agent for Applicant
Registration No. 39,331

Dated: April 25, 2006.

HESLIN ROTHENBERG FARLEY & MESITI P.C.

5 Columbia Circle
Albany, New York 12203-5160
Telephone: (518) 452-5600
Facsimile: (518) 452-5579

Attachment: Exhibit A

Application No.: 10/757,628
Amendment dated April 25, 2006
Reply to Office Action of January 25, 2006



Exhibit A

U.S. Patents of Georg Bayer
(As of March 2006)

PAT. NO.	Title
1 D499,203	Light fixture
2 6,712,490	Framework for a lighting fixture
3 D464,769	Chandelier light fixture cup
4 D454,973	Chandelier arm
5 6,241,370	Molded chandelier listels and chandeliers incorporating same
6 D435,686	Lighting fixture component
7 5,921,668	Sculpted ornamental arrangement for chandeliers
8 5,906,430	Crystal jewel assembly for chandelier
9 5,873,652	Chandler assembly and chandelier components for glass arm configurations
10 D403,101	Chandelier basket
11 D397,495	Lighting fixture component
12 D397,494	Lighting fixture component
13 D393,325	Lighting fixture
14 D389,264	Lighting fixture
15 D382,077	Suspended lighting fixture
16 5,588,744	Gallery ring assemblies for chandeliers
17 5,460,269	Skin packaging
18 5,285,364	Chandelier trimming including spring-hook
19 5,258,900	Chandelier assembly and kit having arm locking plates
20 5,222,805	Precision chandelier frame
21 5,116,009	Chandelier ornament shaft and frame structure
22 5,109,325	Fastening device for chandelier trimmings
23 5,104,082	Hook for chandelier ornaments